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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,216	06/15/2001	Robert L. Fitzsimmons JR.	VULC005/00US	5137

22903 7590 07/20/2004

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EXAMINER

FATAHI YAR, MAHMOUD

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,216

Applicant(s)

FITZSIMMONS, ROBERT L.

Examiner

Mike Fatahiyar

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al(6,169,498B1) in view of LeMole et al(6,009,410).

King et al disclose a method and an apparatus for supplementing an experience of a visitor to a public space including a plurality of public space elements and information relating to the plurality of public space elements(column 2, lines 51-67) comprising a portable device(10) which has a transceiver(12) is a PDA having wireless capability for receiving e-mails(i.e., connecting to a network) enabling a visitor to proactively select information relating to the plurality of the public space elements as the visitor is within the range of a particular public space element(column 5, lines 1067) and providing the visitor access to supplemental information relating to the public space elements(i.e., use of the PDA which is a portable computer device with the capability to connect to a network(column 4, lines 24-34)). Note, the portable PDA is also capable of receiving audio, video, text and image content relating to the public space element(see columns 3-4 and figure 1). King et al substantially show all the features of the above claims except for the "sending supplemental information to the visitor when the visitor is outside of the public space based on

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the received input". However, LeMole et al is cited to show that the concept of sending supplemental information(i.e., advertisement) via internet based on a user profile of a visitor to a site is old(column 4, lines 19-58). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of King et al with the above noted teachings of LeMole et al such that to send supplemental information to a visitor of a public space when the visitor is outside of the public space based a received input(i.e., user's profile) because both systems have the capability to be connect to internet for retrieving supplemental information and further because sending a targeted or specific information based on a user's profile is a conventional technique in the environment of advertisement.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kelly et al shows the broad concept of sending supplemental information to a visitor of a site based on a user's profile.

4. Applicant's arguments with respect to claims 21-35 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mike Fatahiyar** whose telephone number is **(703) 305-6911**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard Hjerpe**, can be reached at **(703) 305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

M. Fatahiyar

MF

July 9, 2004


XIAO WU
PRIMARY EXAMINER